

REMARKS

The official action of 19 May 2009 has been carefully considered and reconsideration of the application as amended is respectfully requested.

The specification has been amended to make changes of an editorial and clerical nature and thereby more closely to follow the preferred arrangement set forth on page 4 of the official action.

In response to the Examiner's request in the first two paragraphs of the official action, Applicants agree to advise of any errors in the specification and drawings that come to their attention.

In response to the requirement for restriction, Applicants hereby affirm their election of the invention of Group II, i.e., claims 3-6. Claims 3-6 and newly added claims 7-11 read on the elected invention. (Note: claims 7-10 are combination claims wherein the device, i.e., subcombination, is essential to the combination- -see MPEP 806.05.) The recitations in claims 7-9 draw support from the specification as filed at, for example, page 5, lines 14-17.

Claims 1-2 drawn to the non-elected method have been amended to depend from the elected product claims so as to facilitate their rejoinder if and when the product

claims are allowed (see MPEP 821.04).

Claim 3 has been amended to remove the bases for the rejections under 35 USC 112, second paragraph. The claims as amended are respectfully believed to be sufficiently definite to satisfy the dictates of 35 USC 112, second paragraph.

Claims 3-8 stand rejected under 35 USC 102(b) as allegedly being anticipated by FR 2 376 409. Applicants respectfully traverse this rejection.

First, Applicants respectfully submit that the rejection is not sufficiently clear to apprise Applicants of the manner in which the Examiner is applying the cited reference. The reference is in French and the Examiner has not pointed to the portions of the reference which are alleged to correspond to each of the elements in the claims. See 37 CFR 1.104(c) (requiring that the pertinence of each reference, if not apparent, must be clearly explained). Indeed, the sole explanation for the pertinence of the reference is that (a) the device of the reference (allegedly) inherently determines the end point of cooking grains and (b) the structural features of the rejected claims (allegedly) are structurally met by the reference. However, the Examiner has not pointed to the structure in the reference which allegedly corresponds to each element of the claims.

Applicants respectfully traverse the rejection of all claims on this basis and submit that the USPTO has not satisfied its initial burden of establishing a *prima facie* case of alleged anticipation. In a further action, if any, Applicants respectfully request

clarification as to which portions of the reference are being applied against the specific elements of the claims. Applicants also respectfully request that any such further action not be made final.

Without prejudice to the above traversal, Applicants note that the reference describes a device comprising a ram or a plunger on a housing adapted to move linearly within. But the weight which is applied for its movement appears to be arranged in a very complex arrangement as depicted in Figure 1. The weight system includes a lower frame and an upper frame. The lower frame consists of a vertical shaft holding the plateau to press the plates holding the sample, a support plate fixed on this shaft at a higher level and a lock fixed at its upper end. The upper frame consists of an upper shelf support rod passing through the vertical shaft and disposed at an intermediate level between the support and the lock, held by a support shaft having a load support plateau at the other end. The load support is held by a power engine. This arrangement may restrict the level of movement of the vertical weight shaft.

In contrast, the device recited in the claims is very simple as compared to the complex arrangement of parts in the device described in the reference and is also economical as it comprises no engine. With particular respect to claim 10, the “consisting of” transitional limits the components of the claim to the recited components. See MPEP 2111.03. Accordingly, this claim cannot be considered to be anticipated by the reference.

With respect to claims 7-10, the invention defined by these claims is not anticipated by the reference at least in view of the claimed (a) means for receiving, (b) graph sheet and (c) projector, which do not appear to be shown or suggested in the reference.

In view of the above, Applicants respectfully submit that all rejections and objections of record have been successfully traversed. An early and favorable reconsideration of the application as amended is earnestly solicited and is believed to be fully warranted.

Respectfully submitted,

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